

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

JOHN D. MITCHENER

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CIVIL DOCKET NO.

*

VS.

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JUDGE:

ORLANDO DOMINIQUEZ LLAMEZ
AND US TRANSPORT ENTERPRICE,
LLC

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MAGISTRATE JUDGE:

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

US TRANSPORT ENTERPRICE, LLC, hereinafter referred to as Mover, files this Notice of Removal of this cause to the United States District Court for the Western District of Louisiana, Lake Charles Division, and in support of this Notice of Removal respectfully shows the Court the following:

I.

Mover is a defendant in the above-styled cause which has been filed in the 14th Judicial District Court for the Parish of Calcasieu, Docket No. 2018-1889, Division B. A copy of the Citation and Petition for Damages are attached to this Notice of Removal and marked for identification *in globo* as Exhibit "A". Exhibit "A" constitutes all process and pleadings which have been filed and/or served in this action on **US TRANSPORT ENTERPRICE, LLC**.

II.

In the Petition for Damages, **JOHN D. MITCHENER** ("**Mitchener**"), alleges *inter alia* that he was injured on June 1, 2017, in an automobile collision that occurred on Highway 3063 in Vinton, Louisiana. **MITCHENER** alleges that a 2004 Freightline commercial truck hauling a

1999 box trailer owned by **US TRANSPORT ENTERPRICE, LLC** and being operated by its employee, Orlando Dominquez-Llamez, caused the collision. (Petition for Damages, Paragraphs 2 through 4).

III.

The civil action described above is brought by **JOHN D. MITCHENER**, a resident of Calcasieu Parish, State of Louisiana. (Petition for Damages, Preamble). **US TRANSPORT ENTERPRICE, LLC** is a limited liability company organized under the laws of the State of Georgia with its principal office located in Chatsworth, Georgia. The sole member of **US TRANSPORT ENTERPRICE, LLC** is Jorge Reyes, who is a resident of Chatsworth, Georgia. Orlando Dominquez-Llamez, a citizen of Georgia, is also named as a defendant. (Petition for Damages, Paragraph 1).

IV.

It is currently unknown if Orlando Dominquez-Llamez has been served with the subject lawsuit, but undersigned counsel is informed that he will represent Mr. Dominquez-Llamez once he is served. Therefore, Mr. Dominquez-Llamez will consent to removal. Because no defendant is a Louisiana citizen, **MITCHENER** is diverse from all defendants in this litigation.

V.

MITCHENER'S claims meet the amount in controversy requirement. In Paragraph 6 of the Petition for Damages, it is alleged by **MITCHENER** that he has sustained past, present, and future physical pain and suffering; loss of income; loss of enjoyment of life; impairment; grief and mental anguish, and medical bills. Medical records suggest possible cervical and/or lumbar disc herniations and **MITCHENER** has undergone lumbar and cervical injections. Medical expenses in the amount of \$27,094.00 and \$10,000.00 in lost wages have allegedly been

incurred. Accordingly, the amount in controversy for purposes of removal (\$75,000.00) is met.

VI.

This civil action is one in which this Honorable Court has original jurisdiction by reason of diversity of citizenship and amount in controversy, 28 U.S.C. § 1332, and is removable under 28 U.S.C. § 1441, *et seq.*

VII.

This Notice of Removal is being filed within 30 days of Mover's receipt of Plaintiff's Petition for Damages and is therefore timely filed under 28 U.S.C. § 1446.

VIII.

Promptly after filing this Notice of Removal, Mover is serving written Notice of Removal upon the adverse party, and a copy of this Notice of Removal is being filed with the Clerk of the 14TH Judicial District Court for the Parish of Calcasieu, State of Louisiana, to effect the removal of this action to this Court, all in conformity with 28 U.S.C. § 1446.

WHEREFORE, **US TRANSPORT ENTERPRICE, LLC**, prays that this Notice of Removal be accepted as good and sufficient, and that the above-captioned civil action be removed from the 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana, to this Honorable Court, for trial and determination as provided by law; that this Court enter such orders and issue such process as may be necessary and proper and thereupon proceed with this civil action as if originally commenced in this Court, and for all necessary and appropriate orders and decrees in accordance with the applicable law.

Respectfully submitted

BREAUD & MEYERS

s/Andrew H. Meyers

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